

## REMARKS

In the September 3, 2004 Office Action, the Examiner noted that claims 1-20 were pending in the application; rejected claims 1, 2, 7, 8, 15-17 and 20 under 35 U.S.C. § 102(e); and rejected claims 3-6, 18 and 19 under 35 U.S.C. § 103(a). In rejecting the claims, the Examiner cited U.S. Patents 5,485,409 to Gupta et al.; 5,940,513 to Aucsmith et al.; and 6,367,012 to Atkinson et al. (References A-C, respectively). Claims 1, 2, 16, 17 and 20 have been cancelled and claims 21-25 have been added. Thus, claims 3-15, 18, 19 and 21-25 remain in the case. The Examiner's rejections are traversed below.

### Rejections under 35 U.S.C. § 102(e)

On pages 2-3 of the Office Action, claims 1, 2, 7, 8, 15-17 and 20 were rejected under 35 U.S.C. § 102(e) as anticipated by Atkinson et al. Claims 1, 2, 16, 17 and 20 have been cancelled and claims 7 and 8 have been amended to depend from new claim 21, while claim 15 has been amended to depend only from claim 9. Therefore, the rejection of claims 7, 8 and 15 will be addressed below.

### Rejections under 35 U.S.C. § 103(a)

On pages 3-5 of the Office Action, claims 9-14 were rejected under 35 U.S.C. § 103(a) as unpatentable over Atkinson et al. in view of Aucsmith et al. and on pages 5-6 of the Office Action, claims 3-6, 18 and 19 were rejected under 35 U.S.C. § 103(a) as unpatentable over Atkinson et al. in view of Gupta et al. First, the differences between Atkinson et al. and the present invention will be discussed and then the additional teachings of Aucsmith et al. and Gupta et al., will be discussed.

As discussed during the Examiner Interview on December 13, 2004 and as indicated by its title, Atkinson et al. discloses a technique for embedding certifications in executable files for network transmission, while the application is directed to controlling processes executing in an address space assigned to a program or program file, by checking a separate process file that is associated with the program or program file (see e.g., claim 23, lines 3-12). The use of a separate process file and the contents of that file, i.e., "a cryptographic value that uniquely identifies each process that may run in the address space" (e.g., claim 21, lines 5-6), are some of the differences which enable the present invention to provide the benefit of controlling "at least one of starting and continuing execution of" (e.g., claim 21, line 13) "each accessing process that attempts to access the address space" (e.g., claim 21, lines 7-8) "during execution

of each program to be protected" (e.g., claim 21, line 7), not merely controlling transmission of program files, as taught by Atkinson et al.

The addition of Aucsmith et al. or Gupta et al. do not overcome the deficiencies of Atkinson et al. Like Atkinson et al., Aucsmith et al. relates to ensuring that an executable program can be sent to a computer system securely. As illustrated in Fig. 6, this is accomplished by encrypting the executable program prior to transmission (see blocks 604 and 605). Clearly, the teachings of Aucsmith et al. do not suggest modification of Atkinson et al. to meet the limitations recited in the independent claims that are discussed above.

On the other hand, Gupta et al. relates to identifying penetration patterns in integrated flow paths by condition checks of system calls. It is submitted that one of ordinary skill in the art would find the teachings of Gupta et al. too different from those of Atkinson et al. to make obvious modifications to perform the methods recited in claims 21 and 22, or produce the arrays recited in claims 23-25. For the reasons set forth above, it is submitted that claims 3-15, 18, 19 and 21-25 patentably distinguish over Atkinson et al. in view of Aucsmith et al. or Gupta et al.

### **Patentability over Golan**

During the Examiner Interview on December 13, 2004, U.S. Patent 5,974,549 to Golan was briefly discussed as possibly more relevant to the invention than Atkinson et al. and Aucsmith et al. or Gupta et al. Like Gupta et al., Golan relates to controlling execution of programs, rather than the verification of files that have been transmitted as taught by Atkinson et al. and Aucsmith et al. However, nothing has been found in Golan regarding including "a cryptographic value that uniquely identifies each process that may run in the address space" (e.g., claim 21, lines 5-6) in a separate process file associated with a program or program file assigned to an address space. The only mention of encryption that has been found in Golan was the disparagement of prior art techniques similar to those taught by Atkinson et al. (see column 1, line 51 to column 2, line 9). For the above reasons, it is submitted that claims 3-15, 18, 19 and 21-25 patentably distinguish over Golan.

Furthermore, claims 9-15 recite that the operations controlling execution of the program files are performed by "a protection program" (claim 9, line 2) which "is stored encoded and is decoded at the start of the method" (claim 9, lines 3-4). Nothing has been found in any of the cited references regarding encoding of a controlling program, only the programs that are to be executed. Therefore, it is submitted that claims 9-15 further patentably distinguish over the prior art due to the additional details recited therein.

**Summary**

It is submitted that the references cited by the Examiner, taken individually or in combination, do not teach or suggest the features of the present claimed invention. Thus, it is submitted that claims 3-15, 18, 19 and 21-25 are in a condition for allowance. Reconsideration of the claims and an early Notice of Allowance are earnestly solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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